

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11842-PBS

SCOTT RODGERS,)
Plaintiff,)
)
V.)
)
CORRECTION OFFICER ORCHID,)
UNKNOWN CORRECTION OFFICER)
JOHN DOE, JOE WHITMORE, DR.)
HOWARD, JOHN SMITH, PLYMOUTH)
COUNTY,)
Defendants.)

**ASSENTED TO MOTION TO EXTEND
THE DATE FOR THE DEPOSITION OF
JOHN B. HOWARD, M.D., TO A DATE
CERTAIN OF SEPTEMBER 8, 2006.**

Now comes the defendant, John B. Howard, M.D. in the above matter and hereby requests, with the assent of all counsel that the date for the deposition of John B. Howard, M.D. be extended to the date certain of September 8, 2006. As reasons therefor, the defendant, Dr. Howard states as follows:

1. This medical malpractice action was commenced on August 24, 2004;
2. On March 1, 2005 counsel for the Plymouth County Sheriff's Office filed an Answer and Jury Claim on behalf of Dr. Howard. The Plymouth County Sheriff's Office subsequently withdrew as counsel;
3. On August 2, 2006 the Honorable Marianne B. Bowler entered an Order that Dr. Howard's deposition take place on the date certain of August 8, 2006;
4. The undersigned counsel entered an Appearance on Dr. Howard's behalf on August 4, 2006;
5. All counsel have agreed to the rescheduling of Dr. Howard's deposition to September 8, 2006 to allow his counsel to prepare to represent him; and
6. No party will be prejudiced by the allowance of this motion.

WHEREFORE, the defendant, John B. Howard, M.D. respectfully requests that this Honorable Court grant this Assented to Motion to Extend the Date for the Deposition of Dr. Howard to the Date Certain of September 8, 2006.

/s/Jessica D. Hedges

Jessica D. Hedges (BBO No. 645847)
Stephen Hrones (BBO No. 242860)
Michael L. Tumposky (BBO No. 660618)
Attorneys for Plaintiff,
Scott Rodgers
HRONES, GARRITY & HEDGES, LLP
Lewis Wharf-Bay 232
Boston, Massachusetts 02110-3927
(617) 227-4019

/s/Edward F. Mahoney

Edward F. Mahoney (BBO No. 546436)
Karen M. Lodigiani (BBO No. 546536)
Attorneys for Defendant,
John B. Howard, MD
MARTIN, MAGNUSON, MCCARTHY
& KENNEY
101 Merrimac Street
Boston, Massachusetts 02114
(617) 227-3240

/s/William P. Breen, Jr.

William P. Breen, Jr. (BBO No. 558768)
Attorney for Defendants,
Correction Officer Orchid, Unknown Correction
Officer John Doe, Joe Whitmore, John Smith
ECKERT SEAMANS CHERIN
& MELLOTT, LLC
One International Place, 18th Floor
Boston, Massachusetts 02110
(617) 342-6800

/s/Mark C. Gildea

Mark C. Gildea (BBO. No. 551127)
Attorney for Defendant,
Plymouth County
CLARK, BALBONI & GILDEA
126 Belmont Street
Brockton, Massachusetts 02301
(508) 586-1411

CERTIFICATE OF SERVICE

I, Edward F. Mahoney, counsel for defendant, John B. Howard, MD hereby certify that on the 7th day of August, 2006, I served the forgoing by mailing a copy thereof, postage prepaid to:

Michael L. Tumposky, Esq.
Hrones, Garrity & Hedges, LLP
Lewis Wharf-Bay 232
Boston, Massachusetts 02110-3927

William P. Breen, Jr., Esq.
Eckert Seamans Cherin & Mellott, LLC
One International Place, 18th Floor
Boston, Massachusetts 02110

Mark C. Gildea, Esq.
Clark, Balboni & Gildea
126 Belmont Street
Brockton, Massachusetts 02301

/s/Edward F. Mahoney

Edward F. Mahoney (BBO No. 546436)
Karen M. Lodigiani (BBO No. 546536)
Attorneys for Defendant,
John B. Howard, MD
MARTIN, MAGNUSON, MCCARTHY
& KENNEY
101 Merrimac Street
Boston, Massachusetts 02114
(617) 227-3240